



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, July 8, 2020 9:00 a.m. - Room 119

Charlotte County Administration Center  
18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

### **Board Member:**

Steve Vieira, Secretary  
William Abbatematteo, Vice-Chair  
Larry Fix  
Blair McVety, Chair  
John Doner

### **Staff:**

Shaun Cullinan, Planning/Zoning Official (absent)  
Thomas David, Asst. Co. Attorney  
Stacy Bjordahl, Asst. Co. Attorney  
Ken Quillen, AICP, Sr Planner  
Diane Clim - Recorder

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### **I. Call to Order**

Chair McVety called the July 8, 2020 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

### **II. Pledge of Allegiance**

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

### **III. Roll Call**

Roll call was taken; a quorum was present.

### **IV. Swearing In of Those Giving Testimony**

Diane Clim swore in all persons who wished to provide testimony.

### **V. Approval of Minutes**

***ACTION: A motion was presented by Mr. Fix and seconded by Mr. Vieira to approve the minutes of the June 10, 2020 meeting of the Board of Zoning Appeals which passed with a unanimous vote.***

### **VI. Disclosure Statements**

Ex-parte forms indicating site visits concerning the petitions being presented before the July 8, 2020 Board of Zoning Appeals meeting were submitted.

### **VII. Introduction of Staff/Comments**

Chair McVety introduced staff. Ken Quillen, Sr. Planner, read the Zoning rules, Asst. County Attorney David and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

**VIII. New Business**

***The following petitions were advertised on June 23, 2020: SE-20-020***

**SE-20-020**

Tara Cortopassi, agent for The Lotus Center, is requesting a special exception to allow a private school in the Industrial General (IG) zoning district. The property address is 18215 Paulson Drive, Port Charlotte, and is described as Lot 5, of Block 5, of Port Charlotte Industrial Park subdivision, located in Section 07, Township 40 South, Range 22 East.

Ken Quillen read into the record the staff report and staff findings for the petition.

**Applicant Presentation**

**Judy Schwatzenbach, a teacher at the Lotus Center, said she was sworn in. Ms. Schwatzenbach** said they have been waiting a long time to get into Charlotte County. They currently have a school in Sarasota County. The student count is about 10. 30 is our eventual goal, but it will probably take a while to get 30 children. We agree with the conditions.

**Mr. Doner** asked if the demand for your services grows beyond 30, you have extra land, would you be attempting to expand the school in the future?

**Ms. Schwatzenbach** said that is not their intent. We have the office in Sarasota and have looked in other areas, but do not expect to expand to 30 during the first few years.

**Mr. Vieira** said thank you for what you are doing. In the narrative, you talk about security and leasing the building. I am curious about the security for the children and teachers. How will you handle that?

**Ms. Schwatzenbach** said our facilities have metal locking doors. No entry without a code. The teachers and parents get the code. No one else can get in. The facility is large, the children do not go out during the day. That is one of the reasons we love this building. There can be different sensory areas and accommodate their need to be active during the day.

**Mr. Vieira** said he is glad she mentioned that. My family and I have been involved with the autism community for 14 years. There is a great need. I am concerned about location, security and how the organization is run.

**Ms. Schwatzenbach** said they are accredited with the department of education and we have been operating in Sarasota County now for 3 years without any incidents. Our student to teacher ratio is very low and we have a board certified behavior analyst on staff as well as many support staff.

**Mr. Abbatematteo** asked in the narrative you state you would like to open for the 2020-2021 school year. Are you still planning on opening soon?

**Ms. Schwatzenbach** said we are. Especially under the directive that was just given to all the schools in Florida. We are still anticipating to open around the normal time the schools around here will open. Maybe August 10<sup>th</sup> or 17<sup>th</sup>.

**Mr. Fix** asked the students get dropped off and picked up each day by the parents? What is the age group?

Ms. Schwatzenbach replied yes. The ages are currently 5 to 12.

***Chair McVety opened the meeting to Public Hearing.***

**Public Input**

No one spoke for or against this request.

***There being no further requests to speak for or against the petition, Mr. Fix moved to close the public hearing, seconded by Mr. Abbatematteo. The public hearing was closed with a unanimous vote.***

Ken Quillen presented the recommended conditions for the petition.

**Board Member Comments and Questions**

Mr. Vieira asked about if the building needs new locks, security apparatus or anything on that order for exterior doors, would that be noted at time of plans examining?

Mr. Quillen said he knows there is a fire inspection for proposed use, but I don't know the results of that inspection.

Asst. Co. Attorney David said they have to comply with the building code and all the regulations that come down from the State and whatever local school board requires of them.

Mr. Vieira asked, the communication tower that is on the property, those folks have no access to this facility, correct?

Mr. Quillen said I don't believe they have access to the building. They have access to the tower.

***ACTION: A motion was presented by Larry Fix and seconded by John Doner that Petition SE-20-004 be APPROVED based on the Community Development Staff Report dated July 1, 2020, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with five conditions recommended by staff.***

***Motion was approved with a unanimous vote with the following five conditions:***

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a private school with the maximum capacity of students not to exceed 60 students. The Site Plan submitted by the applicant as part of the petition is for illustrative purposes only.
2. This special exception extends only to the existing building and lands included in the Existing Site Plan and legal description submitted with this application.
3. All other applicable regulations of Charlotte County Code shall apply to subject property.
4. This Special Exception is granted for a term of three years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the school use is commenced before the Special Exception's term expires.



5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions, which comply with the zoning regulations, may be approved by the Zoning Official.

IX. **Public Comments** - None

X. **Staff Comments** -

Asst. Co. Attorney David said the County Attorney's office has been continuing efforts to make sure all the Quasi-judicial hearings are handled in accordance with the law. At the last land use hearing at the BCC meeting, there was a slight change in terminology. Instead of saying we are opening the public hearing, which is the component where the public comments on the item, state we are opening the public comments section, because this entire activity we just went through right now is the public hearing. For the public to speak on an item, we would like you to say "we will open the public comments on this item". Then we will "close the public comment on this item".

Mr. Quillen said we have 4 items for next month.


XI. **Member Comments** - None

XII. **Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, August 12, 2020 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:30 a.m.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc

  
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Blair McVety, Chair  
Approval Date: 8-12-2020